

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Gary K. Michelson, M.D.	)	
	)	
Serial No.: (Con. of 10/253,678)	)	Group Art Unit: (3731)
	)	
Filed: September 17, 2003	)	Examiner: (D. Reip)
	)	
For: Bone Plate Having a Portion	)	
Adapted to Overlie a Fastener	)	

Mail Stop: Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Copies of WO 94/17744; and EP 1 106 144 are enclosed.

Copies of the remaining listed documents were previously submitted or cited in a prior application, Serial No. 10/253,678, filed September 24, 2002 or Serial No. 09/754,733, filed January 4, 2001 or Serial No. 09/022,293, filed February 11, 1998, upon which applicant relies for the benefits provided in 35 U.S.C. §120, or are not required to be submitted. Applicant respectfully requests that the Examiner consider

the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

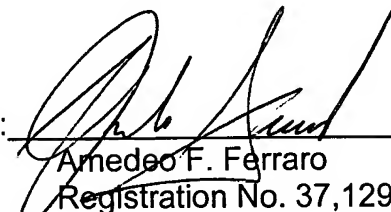
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

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Substitute for FORM PTO-1449	Attorney Docket Number 101.0056-16000	Custom r No. 22882
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>	Applicant Gary K. Michelson, M.D.	Application Number (Cont. of 10/253,678)
(Use several sheets if necessary) Sheet <u>1</u> of <u>2</u>	Filing Date September 17, 2003	Group Art Unit (3731) Examiner D. Reip

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	Des. 402,032	12/1998	Stone			
	Des. 406,646	03/1999	Stone			
	Re. 31,628	07/1984	Allgower et al.			
	4,488,543	12/1984	Tornier			
	4,493,317	01/1985	Klaue			
	4,651,724	03/1987	Berentey et al.			
	4,794,918	01/1989	Wolter			
	4,959,065	09/1990	Arnett et al.			
	5,041,113	08/1991	Biedermann et al.			
	5,053,036	10/1991	Perren et al.			
	5,127,912	07/1992	Ray et al.			
	5,147,361	09/1992	Ojima et al.			
	5,180,381	01/1993	Aust et al.			
	5,190,544	03/1993	Chapman et al.			
	5,300,073	04/1994	Ray et al.			
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	5,380,328	01/1995	Morgan			
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	5,492,442	02/1996	Lasner			
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	5,607,426	03/1997	Ralph et al.			
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	5,662,652	09/1997	Schafer et al.			

	5,676,666	10/1997	Oxland et al.			
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	5,735,853	04/1998	Olerud			
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	5,876,402	03/1999	Errico			
	5,876,446	03/1999	Agrawal et al.			
	5,954,722	09/1999	Bono			

### FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	DE 4409833	10/1995	Germany			Abstract Only
	DE 4414781	11/1995	Germany			U.S. Equivalent US 5,662,652
	WO 94/17744	08/1997	WIPO			N/A
	WO 94/26193	11/1994	WIPO			N/A
	WO 95/35067	12/1995	WIPO			N/A
	WO 96/08206	03/1996	WIPO			N/A
	EP 1 106 144	06/2001	Europe			N/A

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Advertisement for Codman Anterior Cervical Plate System by Codman; Johnson & Johnson; Professional, Inc.; undated.
	AESCULAP Scientific Information Booklet; <u>Anterior Cervical Fusion and Interbody Stabilization with the Trapezial Osteosynthetic Plate Technique</u> by Wolfhard Casper; 2/86.
	Article from Plastic and Reconstructive Surgery; <u>Comparison of Compression and Torque Measurements of Self-Tapping and Pretapped Screws</u> by John T. Phillips, M.D., F.R.C.S. (C), and Berton A. Rahn, M.D., D.D.S.; 3/89.
	Article from The Journal of Prosthetic Dentistry; <u>Bone-implant interface structures after nontapping and tapping insertion of screw-type titanium alloy endosseous implants</u> by Keiichi Satomi, D.D.S.; Yasumasa Akagawa, D.D.S., Ph.D.; and Hiroshima Tsuru, D.D.S., Ph.D.; 3/88; Volume 59, No. 3.
	Brochure by SYNTHES Spine for <u>Cervical Spine Locking Plate</u> ; 1991.
	ORION Brochure; <u>Anterior Cervical Plate System, Surgical Technique</u> , as described by Gary L. Lowery, M.D., Ph.D.; 1996.
	CODMAN Brochure; <u>Anterior Cervical Plate System</u> ; 9/1995.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.